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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 7.12.2006.

Satpal Singh .... Petitioner

vs

Rajesh and others .....Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.Vijay Kumar Jindal,Advocate,for the petitioner.

Kiran Anand Lall, J.

Both the courts below having restrained the petitioner from destroying the rasta (passage) in dispute till the final decision of the suit, by allowing the application for temporary injunction under Order 39 Rules 1 and 2 CPC of the respondents, he has filed this revision.

The claim of the respondents, who are plaintiffs in the suit, is based on the registered exchange-deed dated 5.5.2006. They had exchanged their land with the suit land which earlier belonged to the petitioner, for the purpose of using it as a rasta. Both parties had taken possession of their respective lands, as per the contents of the exchange-deed. The petitioner, later on, tried to wriggle out of the exchange-deed, by taking the stand that no document was executed by him and that Jasbir Singh plaintiff had procured his thumb impression, by misrepresenting the facts.

While granting the relief of temporary injunction, the facts which have weighed with the courts below are that the exchange-deed in question is a registered document on which photographs of both parties are also affixed. It also purports to bear the attestation of the Lambardar (Ram

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Mehar) of Village Shekhpura Khalsa and one more resident of the village, Narinder son of Prem Singh. As such, the courts have, prima-facie, found it to be genuine a document.

No doubt, entries in the revenue record had not been corrected, on the basis of the exchange-deed. But, this fact, by itself, was not sufficient to brush aside the recital in the registered exchange-deed that parties had exchanged possession of their respective lands.

It is significant to note that the respondents had filed affidavit also, in support of their case but the petitioner did not file any, in support of the case, set up by him.

In view of the above, I do not find any perversity in the orders of the courts below, nor there is any other reason to set aside the same. The revision shall, accordingly, stand dismissed. But, it is made clear that nothing contained in this order would have any effect on the merits of the case.

7.12.2006. (Kiran Anand Lall)
vs. Judge.